

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUL 16 2018

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON CARL RUSSELL and
FREDERICK WOOD,

Defendants.

CR 18-12-BLG-DLC

ORDER

Whereas, in the indictment in the above-captioned case, the United States sought forfeiture, pursuant to 21 U.S.C. § 853, of any real or personal property of the defendants used or intended to be used to facilitate, or as proceeds of said violation;

And whereas, on April 5, 2018, Brandon Carl Russell entered into a plea agreement wherein he agreed to plead guilty to count I of the indictment, which charged him with possession with intent to distribute and to distribute methamphetamine; and in count III with possession of a firearm in furtherance of a drug trafficking crime;

And whereas, on March 15, 2018, Timothy Frederick Wood entered a plea of guilty to count I of the indictment, which charged him with possession with

intent to distribute and to distribute methamphetamine; in count II with possession with intent to distribute methamphetamine; and in count III with possession of a firearm in furtherance of a drug trafficking crime;

And whereas, the defendants, pursuant to their pleas of guilty, agreed not to contest, or assist others in contesting, the forfeiture sought in the charging document to which the defendants pleaded guilty;

And whereas, by virtue of said guilty pleas, the United States is entitled to possession of said property, pursuant to 21 U.S.C. §§ 841(a)(1) and 853, and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

And whereas, beginning on April 24, 2018, and ending on May 23, 2018, the United States published on an official government internet site (www.forfeiture.gov), notice of this forfeiture and of the United States' intent to dispose of the property listed below in accordance with federal law, under 21 U.S.C. § 853(n)(1):

- \$39,606 in United States currency;
- a Smith and Wesson .38 caliber Lady Smith Pistol (serial number BPJ7120);
- a TCM Model M1911 A1 Tact. 2011MM, 9mm pistol (serial number TCM024105;
- a Smith and Wesson Model 5904, 9mm pistol (serial number TCS8201);

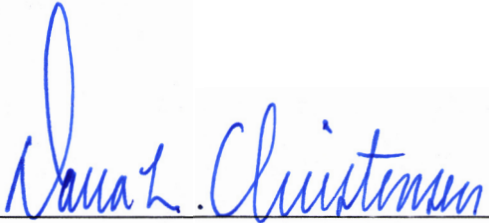
- a Smith and Wesson Model 659, 9mm pistol (serial number TBP7943); and
- a Charter Arms .38 Special (serial number 1328419).

And whereas, the Court has been advised that no claims have been made in this case regarding the property and the United States is not aware that any such claims have been made;

ACCORDINGLY, IT IS ORDERED as follows:

1. The United States shall seize the forfeited property described above;
2. The right, title, and interest in the property is condemned, forfeited, and vested in the United States of America for disposition according to applicable law;
3. All forfeited funds shall be deposited forthwith by the United States Marshal into the Department of Justice Asset Forfeiture Fund in accordance with 21 U.S.C. § 853(n)(1); and
4. The Clerk is directed to send copies of this order to all counsel of record and the defendants. The Clerk is further directed to send three certified copies of this order to the United States Marshal.

DATED this 16th day of July, 2018.


Dana L. Christensen, Chief Judge
United States District Court